



**NOAA FISHERIES**

# **Compliance Guide for Amendment 5b to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan**

National Marine Fisheries Service  
Office of Sustainable Fisheries  
Highly Migratory Species Management Division

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## Introduction

Atlantic highly migratory species (HMS) including tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce, considering both the domestic and international aspects of these fisheries.

The final rule that implements Amendment 5b of the 2006 Consolidated HMS Fishery Management Plan (FMP) is based on the 2016 SEDAR 21 stock assessment update for Atlantic dusky sharks. The assessment update for dusky sharks indicated that the species is overfished and experiencing overfishing. The final management measures are designed to end overfishing and rebuild the dusky shark stock by reducing fishing mortality consistent with scientific advice and all legal obligations. Table 1 summarizes the final measures.

This guide provides a plain language summary of how to comply with the new regulations and is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act, which requires agencies to publish guides to assist small entities in complying with certain rules. The official and complete set of regulations addressing highly migratory species are found in the Code of Federal Regulations (CFR), primarily at 50 CFR Part 635. Electronic versions of both the CFR and the *Federal Register* (FR) are available at [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulatory updates and are responsible for complying with the current official regulations. If there is a discrepancy between federal regulations and the information in this Guide, the regulations take precedence. This Guide supplements applicable sections of the HMS Compliance Guides until updated guides are published.

You may request a copy of a particular rule or supporting materials by calling the NMFS HMS Management Division at (301) 427-8503 or by visiting the HMS website at [www.nmfs.noaa.gov/sfa/hms](http://www.nmfs.noaa.gov/sfa/hms).

**Table 1.** Final management measures in Amendment 5b to the 2006 Consolidated HMS FMP.

<b>Recreational Measures</b>	<b>Short Description</b>	<b>Effective Date</b>
Shark endorsement is required to fish for sharks	All HMS permit holders fishing for sharks recreationally are required to obtain a shark endorsement. To obtain this endorsement, permit holders need to complete an online shark identification and fishing regulation training course.	January 1, 2018, with permit renewal
Circle hooks are required when fishing for sharks	All HMS permit holders are required to use non-offset, non-stainless steel circle hooks when fishing for sharks recreationally south of 41° 43' N latitude (near Chatham, Massachusetts - the northern extent of the dusky shark's U.S. Atlantic range), except when fishing with flies or artificial lures.	January 1, 2018
<b>Commercial Measures</b>	<b>Short Description</b>	
PLL fishermen must follow a shark release protocol when releasing sharks	Fishermen with an Atlantic shark limited access permit with pelagic longline gear onboard must release all sharks not being retained using a dehooker or cutting the gangion less than three feet from the hook as safely as practicable.	June 5, 2017
PLL, BLL, and GN fishermen must take shark identification and regulation training at Handling and Release Workshop	All HMS pelagic longline, bottom longline, and shark gillnet vessel owners and operators with shark limited access permits are required to complete a shark identification and fishing regulation training course as part of the regularly-scheduled Safe Handling and Release Workshops. Safe handling, identification, and release certificates issued before implementation of the final rule remain valid until the expiration date on the certificate. At that time, vessel owners and operators will need to attend a workshop with the modified curriculum, as is currently required. However, NMFS encourages fishermen to take the workshop as soon as possible.	June 5, 2017
PLL, BLL, and GN fishermen must notify other vessels if a dusky shark is caught ("fleet communication")	HMS pelagic longline, bottom longline, and shark gillnet vessel operators are required to notify other vessels in the area of the location of dusky sharks if they catch a dusky shark. Notification is by radio as quickly as practicable after catching a dusky shark.	June 5, 2017
PLL, BLL, and GN fishermen must relocate after a dusky shark is caught ("fleet relocation")	HMS pelagic longline, bottom longline, and shark gillnet vessel operators are required to move on at least 1 nm from where the dusky shark was caught. Vessel operators are encouraged to move farther than 1 nm if conditions (e.g., water temperature, depth, tide, etc.) indicate that moving a greater distance is warranted to avoid additional dusky shark interactions.	June 5, 2017
All fishermen with a directed shark permit are required to use circle hooks with BLL gear	All HMS directed shark permit holders using bottom longline must use circle hooks.	January 1, 2018

# **Recreational Shark Fishing Requirements**

## **Recreational Shark Endorsement and Training Course**

As of January 1, 2018, all HMS recreational permit holders will need a “shark endorsement” to fish for, retain, possess, or land sharks. Initially, shark endorsements may be obtained during the annual permit application or annual renewal process online. There are no additional fees or costs for the endorsement. Unlike changing permit categories (which can only be done within 45 calendar days of the date a permit is issued), vessel owners may add a shark endorsement to a valid permit at any time after January 1, 2018. If permit holders decide that they do not want to fish for sharks, they may also choose to remove the endorsement from their permit at any time during the year. HMS permit holders without a shark endorsement that incidentally hook a shark while fishing for other species are required to release the shark without removing it from the water.

To obtain a shark endorsement, permit holders must complete a brief online shark identification and fishing regulations training course and quiz. The shark endorsement requirement applies to the following HMS permits\*:

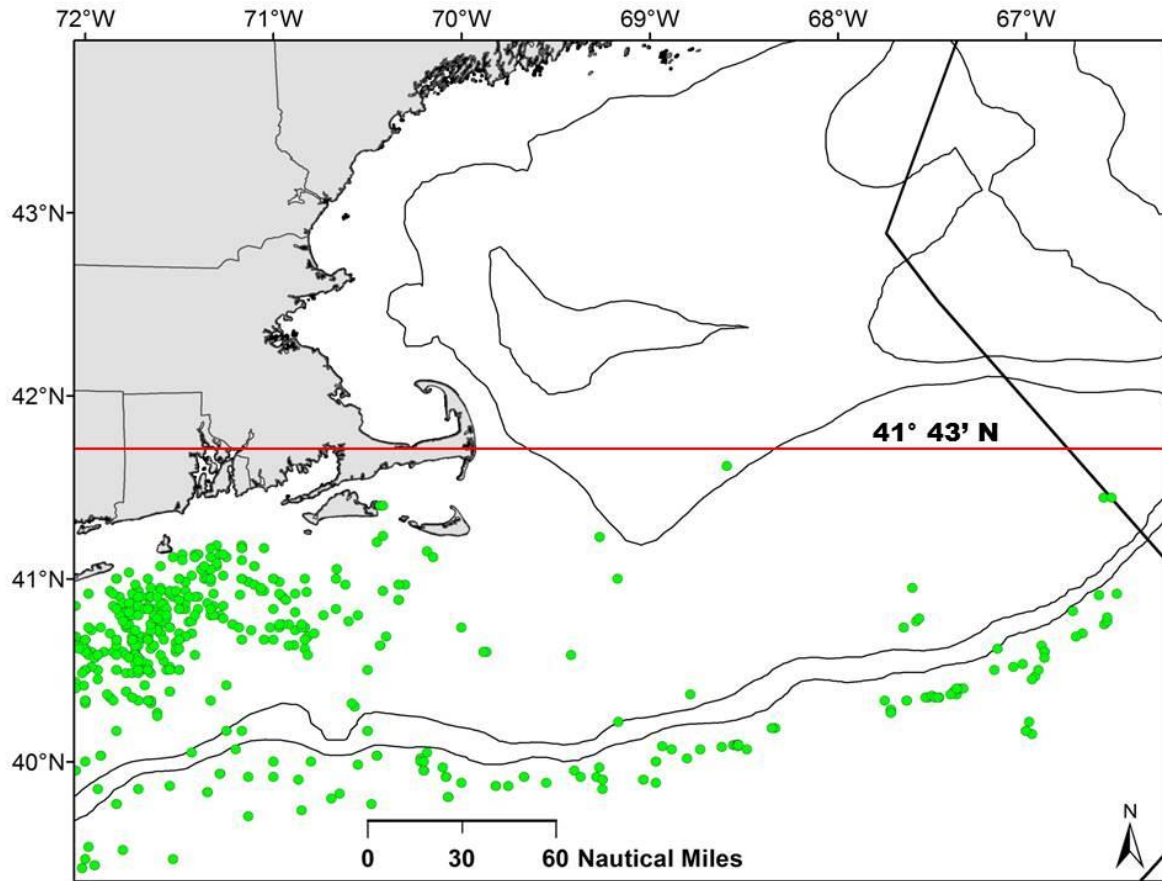
- 1. HMS Angling**
- 2. HMS Charter/Headboat**
- 3. Atlantic Tunas General Category\*\***
- 4. Swordfish General Commercial Category\*\***

\*All HMS permits are vessel-based permits that authorize all individuals fishing on the permitted vessel to fish for, retain, possess, and land the species authorized under that permit. Anglers that wish to fish for other HMS (billfish, tuna, swordfish) are not required to obtain a shark endorsement if they do not intend to fish for, possess, retain, or land sharks they catch incidentally.

\*\*Vessels with these permits are required to obtain a shark endorsement if they wish to participate in recreational shark fishing tournaments.

## **Recreational Circle Hook Requirement**

In addition to being required to have a shark endorsement, as of January 1, 2018, anglers fishing recreationally for sharks on a vessel with the permits listed above must use non-offset, non-stainless steel circle hooks when fishing south of 41° 43' N latitude (near Chatham, Massachusetts, which is the northern extent of the dusky shark's U.S. Atlantic range), except when fishing with flies or artificial lures. Circle hooks are required for any line that is targeting sharks, and this can be determined by the angler on a line by line basis. Any shark caught on a hook other than a non-offset, non-stainless steel circle hook must be released unless caught using flies or artificial lures. The circle hook exemption regulatory line is presented on Figure 1 below.



**Figure 1** Chart of the northern extent of dusky shark distribution (points) and the regulatory line at 41° 43' N latitude. HMS anglers fishing north of the regulatory line would be exempt from the circle hook requirement.

## **Commercial Shark Fishing Requirements**

### **Pelagic Longline Shark Release Protocol**

As of June 5, 2017, Atlantic shark limited access permit holders (directed or incidental) fishing with pelagic longline gear are required to release all sharks that are not being boarded or retained by using a dehooker or by cutting the gangion less than three feet (91.4 cm) from the hook as safely as practicable. Due to the high freeboard of some vessels, cutting gangions less than three feet from the hook could require crew to reach far over the rail and put tension on the line prior to being cut, causing it to snap back. Acknowledging those safety concerns, NMFS encourages vessels to comply with the requirement as safely as practicable.

### **Commercial Workshop and Additional Training Requirements**

As of June 5, 2017, the owner or operator of a vessel that fishes with longline or gillnet gear must be certified by NMFS as having completed the shark identification, handling and release, and fishing regulation training as part of the regularly-scheduled Safe Handling and Release Workshop. All safe handling, identification, and release certificates issued before publication of the final rule will remain valid until the expiration date on the certificate. At that time, vessel owners and operators would need to attend a workshop with the modified curriculum, as is currently required. However, NMFS encourages fishermen to take the workshop before then if possible.

### **Commercial Dusky Shark Fleet Communication Protocol**

As of June 5, 2017, all vessels with an Atlantic shark limited access permit and fishing with pelagic longline, bottom longline, or shark gillnet gears must abide by a dusky shark fleet communication protocol. When a vessel catches a dusky shark, that vessel must notify other vessels in the area by radio broadcast as quickly as practicable. This helps other vessels to avoid dusky sharks to help reduce dusky shark mortality.

### **Commercial Dusky Shark Fleet Relocation Protocol**

As of June 5, 2017, all vessels with an Atlantic shark limited access permit and fishing with pelagic longline, bottom longline, or shark gillnet gears are required to move at least one nautical mile from where a dusky shark interaction took place before placing any subsequent fishing sets. Vessels should move further than one nautical mile from the encounter site if conditions (e.g., water temperature, depth, tide, etc.) indicate that moving a greater distance is warranted to avoid additional dusky shark interactions.

### **Bottom Longline Circle Hook Requirement**

As of January 1, 2018, fishermen that have a directed shark limited access permit and who have bottom longline gear on board their vessels, are required to use non-stainless steel circle hooks when fishing for sharks.